Remarks/Arguments

A.   Pending Claims

Claims 753, 755, 756, 772, 774, 776, 777, 800, and 801 have been amended. Claims 754, 760, 764, 768, 771, 781, 797, and 798 have been cancelled without prejudice. Claims 845-852 are new. Claims 753, 755-759, 761-763, 765-767, 769, 770, 772-780, 782-796, 799-801 and 845-852 are pending in the case.

B.   The Claims Are Not Anticipated by Borghesi Pursuant To 35 U.S.C. § 102(b)

The Examiner rejected claims 753-771, 776-779, 786, 787, and 794 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,950,169 to Borghesi et al. (hereinafter "Borghesi"). Applicant respectfully disagrees with these rejections.

The standard for "anticipation" is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant has amended claims 753, 800, and 801 to describe combinations of features including:

> providing an assessment of the vehicle accident via the graphical user interface, the assessment of the vehicle accident comprising an assessment of the liability of an insured party involved in the accident as a proportion of the total liability for the accident

Support for the amendments to the claims may be found in Applicant's specification at least on page 18, lines 1-6, and original claim 754. The cited art does not appear to teach or suggest at

least the above-quoted features of claims 753, 800, and 801.

Borghesi states:

> By accessing the inspection information frame with the frame bar 106, a user may review or update appointment and inspection site information, and rental car information if applicable; information necessary to specify inspection scheduling and site is enterable using the graphic user interface. The policy information frame includes type of coverage, name of insured and/or claimant, policy number and provider, deductible amount, expiration date, and other relevant details.

Borghesi discloses a policy information frame including information relating to insurance coverage such as type of coverage and deductible amount. Borghesi does not appear teach or suggest providing an assessment of the vehicle accident via the graphical user interface, the assessment of a vehicle accident comprising an assessment of the liability of an insured party involved in the accident as a proportion of the total liability for the accident. Applicant respectfully requests removal of the rejections of claims 753, 800, and 801 and the claims dependent thereon.

Applicant submits that many of the claims dependent on claim 753 are separately patentable. For example, amended claim 776 describes in part: "wherein the proportion of liability of the insured party is at least partially based on the impact point." Support for the amendments to claim 776 may be found in Applicant's specification at least on page 3, lines 6-30; page 5, lines 22-25; page 19, line 23 to page 20-2. The cited art does not appear to teach or suggest at least this feature of claim 776, in combination with the other features of the claim.

Borghesi discloses:

> After the proper identification and selection of options on the damaged vehicle have been made the user defines damage location 230 on the vehicle. The damage locations are defined using an illustration of a generic automobile on which number designations, corresponding to generally known areas of a car, may be selected by the user to identify the primary and secondary damage areas.

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(Borghesi, column 12, lines 29-36)

Borghesi discloses a user defining damage locations on a vehicle using an illustration of a car. Borghesi does not teach or suggest wherein the proportion of liability of the insured party is at least partially based on an impact point selected by a user.

Amended claim 772 describes "wherein the assessment of the vehicle accident comprises a symbolic representation of an accident type, wherein the accident type is selected by a user, further comprising displaying the symbolic representation". Support for the amendments to claim 772 may be found in Applicant's specification at least on page 3, lines 6-30; page 5, lines 22-25; page 19, line 23 to page 20-2; page 22, line 22 to page 23, line 7; FIGS. 4 and 47. The cited art does not appear to teach or suggest at least this feature of claim 772, in combination with the other features of the claim.

Amended claim 774 describes "wherein the assessment of the vehicle accident comprises a symbolic representation of a roadway configuration at a location of the vehicle accident, wherein the roadway configuration is selected by a user, further comprising displaying the symbolic representation". Support for the amendments to claim 774 may be found in Applicant's specification at least on page 3, lines 6-30; page 5, lines 22-25; page 19, line 23 to page 20-2; page 23, lines 9-29; FIGS. 5 and 47. The cited art does not appear to teach or suggest at least this feature of claim 774, in combination with the other features of the claim.

C. New Claims

New claim 845 describes a combination of features including: "selecting a roadway configuration corresponding to the vehicle accident and an accident type corresponding to the vehicle type, wherein the combination of the roadway configuration and the accident type are associated with a plurality of pairs of impact points." Support for the new claim may be found in

Applicant's specification at least on page 70, lines 1-15. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 846 describes a combination of features including: "wherein the proportion of liability of the insured party is based on a liability corresponding to one of the pairs of impact points." Support for the new claim may be found in Applicant's specification at least on page 70, lines 1-15. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 847 describes a combination of features including: "displaying a plurality of combinations of a roadway configuration and an accident type, and receiving a selection by a user of one of the combinations for the vehicle accident being assessed, wherein the assessment of liability for the vehicle accident is based on the selected combination." Support for the new claim may be found in Applicant's specification at least on page 24, lines 6-24; page 69, line 28 to page 70, line 15; FIGS. 6 and 38. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 848 describes a combination of features including: "wherein the display of the plurality of combinations of roadway configurations and accident types comprises one or more indicators that one or more of the combinations is implausible." Support for the new claim may be found in Applicant's specification at least on page 24, lines 6-24; page 69, line 28 to page 70, line 15; FIGS. 6 and 38. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 849 describes a combination of features including: "wherein the assessment of liability of the insured party comprises a base liability, and upper range a liability, and a lower range of liability." Support for the new claim may be found in Applicant's specification at least

on page 70, lines 1-15. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 850 describes a combination of features including: "displaying a graphical representation of at least one vehicle and a plurality of impact points for the at least one vehicle, wherein the impact points are selectable by a user; and receiving a selection by a user of one or more of the impact points corresponding to the vehicle accident." Support for the new claim may be found in Applicant's specification at least on page 78, lines 12-18 and FIG. 49. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 851 describes a combination of features including: "displaying a graphical representation of at least two vehicles and a plurality of impact points for the at least two vehicles, wherein the impact points are selectable by a user; and receiving a selection by a user of one or more of the impact points for each of the vehicles corresponding to the vehicle accident." Support for the new claim may be found in Applicant's specification at least on page 78, lines 12-18 and FIG. 49. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.
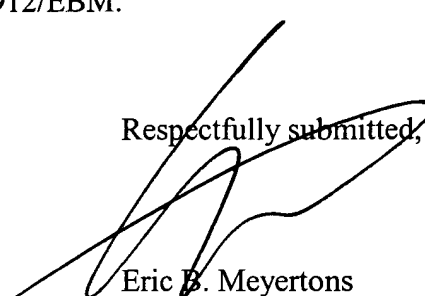
New claim 852 describes a combination of features including: "wherein the proportion is expressed as a percentage." Support for the new claim may be found in Applicant's specification at least on page 18, lines 1-6. Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

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D.   <u>**Additional Remarks**</u>

Based on the above, Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5053-46912/EBM.

Respectfully submitted,

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